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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 DANIEL ROSENTHAL,

11 Plaintiff,

12 v.

13 TIMOTHY POSTER, *et al.*,

14 Defendants.
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Case No. 2:07-CV-01204-KJD-PAL

ORDER

16 Presently before the Court is the Report of Findings and Recommendation (#49) of
17 Magistrate Judge Peggy A. Leen recommending that Defendant Marcia Hartman's answer be stricken
18 and default entered against her for her failure to abide by the orders of the Court. Though the time
19 for doing so has passed, no objections to the magistrate judge's report and recommendation have
20 been filed. The Court has conducted a *de novo* review of the record in this case in accordance with
21 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the Report of Findings and
22 Recommendation (#49) of the United States Magistrate Judge entered February 5, 2009, should be
23 adopted and affirmed.

24 IT IS THEREFORE ORDERED that the Report of Findings and Recommendation (#49) of
25 the United States Magistrate Judge entered February 5, 2009, is **ADOPTED** and **AFFIRMED**;
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1 IT IS FURTHER ORDERED that Defendant Marcia Hartman's Answer (#31) is
2 **STRICKEN**;

3 IT IS FURTHER ORDERED that the Clerk of the Court **ENTER DEFAULT** against
4 Defendant Marcia Hartman;

5 IT IS FURTHER ORDERED that Plaintiff shall file a motion for default judgment within
6 fifteen (15) days of the entry of this order, failure to do so will result in his claim being dismissed.

7 DATED this 27th day of February 2009.

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11 Kent J. Dawson
12 United States District Judge
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